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# **Notice of Allowability**

Application No.

10/713,964

Applicant(s)

BEM, JEREMY

Examiner

Dangelino N. Gortayo

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/6/2007.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TIM VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## DETAILED ACTION

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record, Weissman (US Patent 6,816,857 B1) and Bailey (US Patent 6,785,671 B1) teach analogous art to the instant application, that of analyzing user input in a search query to provide items that most closely matches a user's needs to a user, and to refine a search query. Weissman more specifically teaches responding to a search query by analyzing the input or document to discern a user's intent and returning items based on this analysis by ranking the results based on a score that is a function of a probability for a meaning. However, after careful consideration of the Brief (pages 12-20) filed 8/6/2007, the applicant extensively and specifically pointed out how the claim amendments overcome the prior art of record, particularly the ranking of results by Weissman to determine relevant results to a user is different from performance thresholding of the instant application, since the ranking of Weissman is based on the meaning analyzed from the query input, whereas the performance value of the instant application is based on past user history and actions, and wherein different thresholds are provided dependent on whether the input itself is analyzed or the related words to the input is analyzed. Thus, in the instant application, the system provides results that are more relevant to a user, since the results are determined partially on user history and actions, based on the analysis of a user input.

This feature is indicated in independent claims 1, 8, 22, and 29, wherein a search query is analyzed and items are retrieved, each items having an associated performance value that is based on user actions and item history, and relevant items based on a minimum performance threshold that varies based on input analysis results are returned to a user to provide more relevant search results. Consequently, independent claims 1, 8, 22, and 29 and dependent claims 2-7, 9-21, 23-28, and 30-42 as amended are allowable over prior art.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo  
Examiner



Tim T. Vo  
SPE



TIM VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100